

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

MICHAEL S. HOSKINS,

Plaintiff,
v.

BRIAN FOSTER
AND TONI MELI,

Defendants.

ORDER

Case No. 19-cv-407-jdp

MICHAEL S. HOSKINS,

Plaintiff,
v.

BRIAN FOSTER, ET AL.,

Defendants.

ORDER

Case No. 19-cv-408-jdp

Plaintiff Michael S. Hoskins, a prisoner in the custody of the Wisconsin Department of Corrections, has submitted a proposed civil action under 42 U.S.C. § 1983 and requests leave to proceed without prepayment of the filing fee in this case. To date, plaintiff has not filed a certified copy of a trust fund account statement in support of the motion for leave to proceed without prepaying the fee. However, on April 30, 2019, plaintiff filed a six-month trust fund account statement (dkt. #3) in cases 19-cv-341-jdp and 19-cv-342-jdp. Therefore, I will adopt the six-month trust fund account statement (dkt. #3) filed in cases 19-cv-341-jdp and 19-cv-342-jdp for these cases. After considering the six-month trust fund account statement plaintiff submitted in cases 19-cv-341-jdp and 19-cv-342-jdp, I conclude that plaintiff qualifies for indigent status.

Even when a prisoner litigant qualifies for indigent status, the litigant must pay a portion of the fee returned by the formula set forth in 28 U.S.C. § 1915(b)(1). Using information for the relevant time period from plaintiff's trust fund account statement, I conclude plaintiff's initial partial filing fee to be \$2.01. For this case to proceed, plaintiff must submit this amount on or before June 10, 2019.

ORDER

IT IS ORDERED that,

1. Plaintiff Michael S. Hoskins is assessed \$2.01 as an initial partial payment of the \$350.00 fee for filing each case. Plaintiff is to submit a check or money order made payable to the clerk of court in the amount of \$2.01 for 19-cv-407-jdp or advise the court in writing why plaintiff is not able to submit the assessed amount on or before June 10, 2019.
2. Plaintiff is to submit a check or money order made payable to the clerk of court in the amount of \$2.01 for 19-cv-408-jdp or advise the court in writing why plaintiff is not able to submit the assessed amount on or before June 10, 2019.
3. If, by June 10, 2019, plaintiff fails to make the initial partial payment or show cause for failure to do so in each case, plaintiff will be held to have withdrawn the action voluntarily and the case will be closed without prejudice to plaintiff filing this case at a later date.
4. No further action will be taken in this case until the clerk's office receives plaintiff's initial partial filing fee as directed above and the court has screened the complaint

as required by the Prison Litigation Reform Act, 28 U.S.C. § 1915A. Once the screening process is complete, a separate order will issue.

Entered this 20th day of May, 2019.

BY THE COURT:

/s/
PETER OPPENEER
Magistrate Judge